

EXHIBIT K

JENNER & BLOCK LLP

Reid J. Schar (*pro hac vice*)

RSchar@jenner.com

353 N. Clark Street

Chicago, IL 60654-3456

Telephone: +1 312 222 9350

Facsimile: +1 312 527 0484

CLARENCE DYER & COHEN LLP

Kate Dyer (Bar No. 171891)

kdyer@clarencedyer.com

899 Ellis Street

San Francisco, CA 94109-7807

Telephone: +1 415 749 1800

Facsimile: +1 415 749 1694

CRAVATH, SWAINE & MOORE LLP

Kevin J. Orsini (*pro hac vice*)

korsini@cravath.com

825 Eighth Avenue

New York, NY 10019

Telephone: +1 212 474 1000

Facsimile: +1 212 474 3700

Attorneys for Defendant PACIFIC GAS AND ELECTRIC
COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PACIFIC GAS AND ELECTRIC COMPANY,

Defendant.

Case No. 14-CR-00175-WHA

DECLARATION OF [REDACTED]

Judge: Hon. William Alsup

1 I, [REDACTED], declare as follows:

2 1. I am the Director of Vegetation Management Execution at Pacific Gas and
3 Electric Company ("PG&E"). In this role, I am responsible for overseeing the execution of all of
4 PG&E's vegetation management programs. I have held this position since July 2019.

5 2. At Docket No. 1012 (filed Feb. 6, 2019), Cal FIRE stated that Section 4293
6 means that a tree, or portion thereof, that is leaning toward the line, must be "felled, cut or trimmed,"
7 regardless of its health, if it "may contact the line from the side or may fall on the line." CAL FIRE
8 went on to say that whether a tree or limb is a hazard "depends on the factual circumstances specific
9 to that tree or limb."

10 3. The Court asked for a declaration addressing the full extent to which PG&E
11 has, since the CAL FIRE filing, disagreed with CAL FIRE's statement.

12 4. I do not know CAL FIRE's intent when it authored the February 6, 2019
13 submission to the Court titled Supplemental Response Following January 30, 2019 Hearing, but I
14 understand that submission to express the view that section 4293 requires the abatement of a healthy
15 tree that if, based on the circumstances of the particular tree, an inspector determines that it poses a
16 hazard to PG&E's lines. CAL FIRE stated to the Court on March 11, 2021 that its prior submission
17 "does not conclude that every tree or portion of a tree that is leaning toward a line and tall enough to
18 contact the line must be removed." Assuming my understanding of CAL FIRE's submission is
19 correct, I believe that PG&E's vegetation management leadership agrees with the view that trees
20 identified as hazard trees by inspectors should be removed under section 4293.

21 5. I do not recall PG&E publishing a formal statement stating to what extent if
22 any PG&E disagrees with CAL FIRE's submission. Nor can I speak to how each PG&E employee
23 or contractor understands or has understood section 4293. In terms of carrying out my vegetation
24 management responsibilities for PG&E, I understand section 4293 as requiring, where it applies, the
25 abatement of trees that pose a hazard to PG&E lines, even if the tree is healthy. For example, a tree
26 can be healthy but be a hazard tree because it has a ground or root disturbance that an inspector
27 judges will cause the tree to fall and hit the line.

1 I declare under the penalty of perjury that the foregoing is true and correct and that I
2 executed this declaration on March 11, 2021 in San Ramon, California.

3 [REDACTED]
4 [REDACTED]

5 [REDACTED]
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28